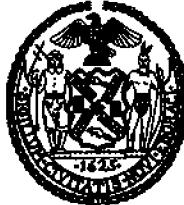


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DATE FILED: 11/13/07



MEMO ENDORSED  
ON PAGE TWO

THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007

MICHAEL A. CARDODOZO  
*Corporation Counsel*

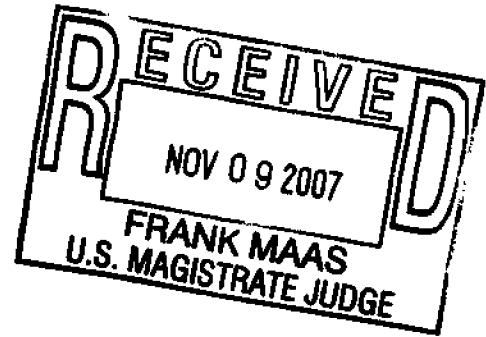
TONI GANTZ  
phone: (212) 788-0908  
fax: (212) 788-0940  
email: tgantz@law.nyc.gov

November 8, 2007

**BY HAND**

Hon. Richard J. Sullivan  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 615  
New York, New York 10007

Hon. Frank Maas  
United States Magistrate Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 740  
New York, New York 10007



Re: Bush v. Horn, 07 Civ. 3231  
Brewster v. Horn, 07 Civ. 3762  
Crichlow v. Horn, 07 Civ. 7685

Dear Judges Sullivan and Maas:

I am the Assistant Corporation Counsel assigned to represent the New York City defendants in the above-referenced consolidated action. I write to update the Court about the status of this action and to respectfully request an adjournment of the telephone case management conference currently scheduled for November 14, 2007 at 10:00 a.m. with Judge Maas. This is the first request for an adjournment in the consolidated action. As plaintiffs are incarcerated or otherwise unable to be reached, I have not been able to obtain their consent.

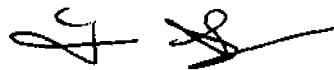
Defendants have filed and served responses in Bush v. Horn and Brewster v. Horn, and the City defendants will be filing a response in Crichlow v. Horn on November 15, 2007. Defendants will thereafter be seeking to file a motion for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, and are in the process of preparing a letter application for a pre-motion conference with Judge Sullivan per his individual rules. A case management conference is therefore premature at this time, and defendants respectfully request that the conference be adjourned until after the disposition of the motion.

Finally, I will be unable to arrange for the participation of at least two of the plaintiffs in next week's conference. Mr. Crichlow was recently released from custody but has not provided any information as to his current location or contact information, and Mr. Bush is

unavailable at the conference's currently scheduled time due his correctional facility's rules regarding inmate telephone calls.

Thank you for your consideration of this request.

Respectfully submitted,



Toni Gantz  
Assistant Corporation Counsel

cc:

BY MAIL

Darrell Bush

05R2477

Willard Drug Treatment Center purposes by judge Castel before it  
P.O. Box 303

7116 County Route 132

Willard, New York 14588

Darrell Brewster

01-A-6646

Downstate Correctional Facility

122 Red Schoolhouse Rd, P.O. Box F Nefertari, This letter is, at best,

Fishkill, New York 12524

Kevin Crichtow

141-070-2357

Eric M. Taylor Center

10-10 Hazen Street

East Elmhurst, NY 11370

Karen Drotzer, Esq.

Armienti, DeBellis, Guglielmo & Rhoden, LLP

44 Wall Street

New York, NY 10005

The first filed of these consolidated cases was referred to me for general pretrial was reassigned to judge Sullivan. I understand that Ms. Gantz previously communicated with my Chambers about the 11/14 telephone conference. She might of had a telephone call and the letter is, at best, confusing since it asks two decision makers to rule on the same issues and, at worst, an attempt at an end run. Future communications concerning scheduling unrelated to dispositive motions should be addressed to me, not judge Sullivan. That said, the conference is cancelled based on Ms. Gantz's

representations. Ms. Gantz is directed, however, to submit her pretrial letter to judge Sullivan by November 19, 2007 (and to send a copy to me).

So ordered.

James, USKet,  
11/13/07